

MACOMB TOWNSHIP BOARD OF TRUSTEES  
MEETING MINUTES AND PUBLIC HEARING  
WEDNESDAY, AUGUST 8, 2007

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS  
54111 BROUGHTON ROAD  
MACOMB, MI 48042

PRESENT: JOHN D. BRENNAN, SUPERVISOR  
MICHAEL D. KOEHS, CLERK  
MARIE MALBURG, TREASURER  
DINO F. BUCCI, JR, TRUSTEE  
JANET DUNN, TRUSTEE  
ROGER KRZEMINSKI, TRUSTEE  
NANCY NEVERS, TRUSTEE

ABSENT: NONE

ALSO PRESENT: Lawrence Dloski, Legal Counsel  
Jerome Schmeiser, Planning Consultant  
James VanTiflin, Engineering Consultant  
*(Additional attendance on file at the Clerk's Office)*

Supervisor BRENNAN called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited.

**ROLL CALL**

1. Clerk KOEHS called the roll and the Board of Trustees was present.

**APPROVAL OF THE AGENDA**

2. The agenda was reviewed and items 15a, 15b and 16a were added, and item 11 was moved to Executive Session because it involves litigation.

**MOTION by NEVERS seconded by DUNN to approve the agenda as amended.**

**MOTION carried.**

**APPROVAL OF THE BILLS**

3. Both bill runs were reviewed and there were no additions, deletions or corrections.

**MOTION by NEVERS seconded by DUNN to approve both bill runs as presented.**

**MOTION carried.**

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**APPROVAL OF THE PREVIOUS MEETING MINUTES**

4. The minutes of the previous meeting held on July 25, 2007 were reviewed and any additions, corrections or deletions were discussed and made.







**MOTION by BUCCI seconded by MALBURG to approve the minutes of the meeting of July 25, 2007 as presented.**

**MOTION carried.**





5. **Consent Agenda Items:**

Supervisor BRENNAN reviewed this matter and asked if any of the Board members wanted to remove any item from the Consent Agenda and place it for discussion on the regular agenda.

A. Clerk's Department:






1.  **Request for Sales Trailer Site Plan Bond Release;** Sycamore Estates Subdivision; Parcel Number 08-26-100-001.
2.  **Request for Sales Trailer Site Plan Bond Release;** Winding Creek Subdivision; Parcel Number 08-05-200-008.
3.  **Request for Construction Trailer Site Plan Bond Release;** Sycamore Estates Subdivision; Parcel Number 08-26-100-001.
4.  **Request for Partial Bond Release;** Bike Path and Sidewalk Bond; Tesner Park Subdivision, Parcel Number 08-35-300-037.
5.  **Request for Model Permit Bond Release;** Winding Creek Subdivision, Lots 7, 8, 168 and 169; Section 5.
6.  **Request for Model Permit Bond Release;** Sycamore Estates Subdivision, Lots 62, 69, 70 and 71; Section 26

B. Water/Sewer Dept.

1.  **Easement Encroachment:** James R. Wogan, Jr., & Felipa Wogan, husband and wife, 48620 Jefferson Drive, Macomb, MI, 48044, Lot 229, Jefferson Meadows Subdivision No. 3 Sidwell # 08-30-203-008.
2.  **Easement Encroachment:** Laurie L. Bismack & Mitchell D. Bismack, husband and wife, 20829 Adrienne Drive, Macomb, MI, 48044, Lot 26, Adrienne Estates Subdivision Sidwell # 08-34-126-005.
3.  **Easement Encroachment:** John A. Polanco & Josephine Polanco, husband and wife, 53882 Clarion Drive, Macomb, MI, 48042, Lot 119, Bayberry Place Subdivision No. 3 Sidwell # 08-07-334-003.
4.  **Easement Encroachment:** Gary Simmers & Janice Simmers, husband and wife, 16653 Huntington Woods, Macomb, MI, 48042, Lot 53, Huntington Woods Subdivision No. 3 Sidwell # 08-08-152-009.

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C. Department Monthly Reports:

1.  Building Department
2.  Fire Department
3.  Macomb County Sheriffs Department
4.  Parks and Recreation Department
5.  Water/Sewer Department

**MOTION by KRZEMINSKI seconded by DUNN to approve the Consent Agenda as presented.**

**MOTION carried.**

6. **Public Comments - None**

**PLANNING**

7. **Rezoning Request/ C-2 to C-1**, Permanent Parcel No. 08-18-100-026, Located on the Southeast corner of 24 Mile and Hayes Roads, Section 18. Antoine Abi Raji, Petitioner.

Mr. Lawrence Dloski, township Attorney, reviewed this matter and stated that the petitioner, through his legal counsel, is proposing a contract rezoning for this property. Mr. Dloski explained the conditions of the proposal and further stated his recommendation for approval.

Mr. Robert Davis, representing the petitioner, was present to answer any questions the Board might have.

**MOTION by BUCCI seconded by KRZEMINSKI to approve the rezoning request for C-2 to C-1, Permanent Parcel No. 08-18-100-026 and to authorize the Supervisor to sign the contract rezoning agreement as presented.**

**MOTION carried.**

**NEW BUSINESS**

8. **Request Approval for Sanitary Sewer Trunk Line**; Austin Academy, located on the north side of 23 Mile Road, east of Card Road, Section 14.

Mr. James VanTiflin, township Engineering consultant, reviewed this matter and stated his recommendation for approval.

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**MOTION by DUNN seconded by MALBURG to approve the request to authorize Spalding DeDecker Associates to design the Sanitary Sewer Trunk Line for the Austin Academy, located on the north side of 23 Mile Road, east of Card Road, Section 14.**

**MOTION carried.**

9. **Request authorization to Defend Litigation;** Hayes Macomb Properties vs. Macomb Township. Case Number 07-3017-CE.

Supervisor BRENNAN reviewed this matter and stated his recommendation for approval.

**MOTION by KOEHS seconded by DUNN to authorize legal counsel to defend Litigation regarding Hayes Macomb Properties vs. Macomb Township; Case Number 07-3017-CE.**

**MOTION carried.**

10. **Request to Defend an Appeal to the Michigan Tax Tribunal:** *Pulte Land Company, L.L.C. v Macomb Township.*

Supervisor BRENNAN reviewed this matter and stated his recommendation for approval.

**MOTION by BUCCI seconded by KRZEMINSKI to authorize legal counsel to defend an Appeal to the Michigan Tax Tribunal in the matter of *Pulte Land Company, L.L.C. v Macomb Township.***

**MOTION carried.**

11. **Request to Sign a Michigan Tax Tribunal appeal settlement recommendation:** *Consumers Energy v. Macomb Township.*

*(Moved to Executive Session)*

**WATER AND SEWER DEPARTMENT**

12. **Request for Payment;** Engineer's Payment Certificate No. 3; Hayes Road Water Main SDA Job No. MA98-026, Card Road Sanitary Sewer MA02-009 & 25 Mile Road & Hayes Road Water Main MA06-005.

Mr. David Koss, Water & Sewer Superintendent, reviewed this matter and stated it has also been reviewed by the township engineers and they were recommending approval.

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**MOTION by KRZEMINSKI seconded by DUNN to approve the Payment for Engineer's Payment Certificate No. 3; Hayes Road Water Main SDA Job No. MA98-026, Card Road Sanitary Sewer MA02-009 & 25 Mile Road & Hayes Road Water Main MA06-005 in the amount of fifty five thousand seven hundred seven dollars and five cents (\$55,707.05)..**

**MOTION carried.**

13. **Request to Award Bid;** Pump Station #7 Replacement Project, Geological Materials Testing.

Mr. David Koss, Water & Sewer Superintendent, reviewed this matter and stated that PSI was the low bidder for this project and further stated his recommendation to award this to PSI.

**MOTION by DUNN seconded by MALBURG to award the bid for the Pump Station #7 Replacement Project, Geological Materials Testing to PSI in the amount of ten thousand four hundred thirty six dollars (\$10,436.00).**

**MOTION carried.**

14. **Request for Payment;** Engineer's Payment Certificate No. 3; SDA Job No. MA05-026, Pump Station No. 7.

Mr. David Koss, Water & Sewer Superintendent, reviewed this matter and stated that it has also been reviewed by the township engineers and they were recommending approval.

**MOTION by KOEHS seconded by MALUBRG to approve the request for Payment for Engineer's Payment Certificate No. 3; SDA Job No. MA05-026, Pump Station No. 7 in the amount of two hundred twelve thousand seven hundred thirty four dollars and forty five cents (\$ 212,734.45).**

**MOTION carried.**

**BOARD COMMENTS**

15. Supervisor Comments:

- a. **Request to authorize the newly appointed Deputy Treasurer, Karen Goodhue, to perform all of the duties of the previous Deputy Treasurer.**

Supervisor BRENNAN reviewed this matter and stated his recommendation for approval based on the advice of legal counsel.

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**MOTION by BUCCI seconded by DUNN to authorize the newly appointed Deputy Treasurer, Karen Goodhue, to perform all of the duties of the previous Deputy Treasurer.**

**MOTION carried.**

**b. Request to Move the Township Board Meeting Date**

Supervisor BRENNAN reviewed this matter and stated that this is being asked at the request of one of the Trustees and he stated his recommendation for approval.

**MOTION by NEVERS seconded by KOEHS to move the next Board of Trustees meeting date from Wednesday, August 22, 2007 to Tuesday, August 21, 2007. The starting time will remain at 7:00 p.m.**

**MOTION carried.**

**16. Clerk Comments:**

**a. Request to Upgrade Elections Equipment**

Clerk KOEHS reviewed this matter and stated that about 32 voting machines needed to have their firmware upgraded. The cost for this upgrade is four hundred and ninety five dollars (\$495.00) apiece. The total cost will be about sixteen thousand dollars (\$16,000.00)

**MOTION by KRZEMINSKI seconded by NEVERS to approve the upgrading of the voting equipment for a cost of approximately sixteen thousand dollars (\$16,000.00).**

**MOTION carried.**

**17. Treasurer Comments:       None**

**18. Trustees Comments:       None**

**EXECUTIVE SESSION**

**MOTION by BUCCI seconded by NEVERS to adjourn to Executive Session at 7:18 p.m.**

**MOTION carried.**

*The Board returned from Executive Session at 7:21 p.m.*

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19. Michigan Tax Tribunal; Consumers Energy Company vs. Macomb Township, Case Numbers 248126, 248127, 248128 and 280316.

**MOTION by KOEHS seconded by DUNN to authorize legal counsel to sign a Michigan Tax Tribunal appeal settlement for Consumers Energy Company vs. Macomb Township, Case Numbers 248126, 248127, 248128 and 280316 as presented in Executive Session.**

**MOTION carried.**

**ADJOURNMENT**

**MOTION by BUCCI seconded by MALBURG to adjourn the Board meeting at 7:24 p.m.**

**MOTION carried.**

Respectfully submitted,

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John D. Brennan  
Macomb Township Supervisor

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Michael D. Koehs, CMC  
Macomb Township Clerk